

## **Chapter 01**

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### **I. General Provisions**

**19.0101 Authority.**

The rules set out in this chapter are promulgated pursuant to authority granted the commerce commission by 19.0103, 19.0115, and 19.0206 ASCA.

**19.0102 Scope of rules and commercial vehicle regulation.**

The commerce commission interprets the interest of the Legislature in enacting chapters 19.01 and 19.02 ASCA to be the protection of the health, safety and general welfare of all those people of American Samoa or visitors to American Samoa who use commercial vehicles, either for personal transportation or for transportation of freight. The protection envisions:

- (1) the adoption of rules to deal with fair and uniform rates, fares and charges for transportation of persons and freight;
- (2) the issuance, or refusal ~~to issue~~, of commercial drivers permits; the limitation, modification, suspension or revocation of permits so issued;
- (3) the providing of a uniform system and classification of accounts to be used by commercial carriers;
- (4) the adoption of rules regarding qualifications for permit issuance and safety rules for commercial vehicles and the operation thereof and periodic inspections;
- (5) the issuance of certificates of convenience and necessity;
- (6) the investigation of the financial ability of applicants for certificates of convenience and necessity;
- (7) the adoption of rules of procedure to guide the chief of police or his designee and the commerce commission while enforcing the commercial vehicle law, and the rules set out in this chapter and when issuing orders pursuant there - to or for the taking of appeals therefrom; and
- (8) designating the amount and type of insurance for commercial carriers and their freight and passengers.

#### **19.0103 Administration by police.**

The commerce commission hereby appoints the chief of police the authority to administer all examinations prepared or approved by the commission, sign the commercial driver's permit when issued, or deny it with a written statement giving the reason or reasons for such denial, and inspect and examine commercial vehicles as to safety requirements. This is to say that the chief of police and his officers shall administer the commerce commission law and rules on a day-to-day basis.

#### **19.0104 Commission and police responsibilities -Appeal of actions.**

The commerce commission views the relationship of the chief of police as the examiner of applicants for commercial drivers' permits and the commerce commission as follows:

- (a) ~~First, the commerce commission, composed of the Governor or his designee, the attorney general, the director of tourism, the chief of police and a member appointed by the Governor from among the public,~~ views its responsibility as one of promulgating rules for the implementation of 19.01 and 19.02 ASCA, and hearing of appeals from the day-to-day decisions or administration of the chief of police.
- (b) ~~Second,~~ the chief of police, as the examiner of all applicants for commercial driver's permits and the examiner of all commercial vehicles in regard to safety requirements, shall either approve or deny commercial vehicle use. Thus, the chief of police shall administer the law and rules on a day-to-day basis.
- (c) ~~Third,~~ any adverse decision of the chief of police may be appealed to the commerce commission by the affected person. The commission shall then hold a hearing independently. The commission may, of course, afford such weight as it feels is appropriate to the prior decision of the chief of police.
- (d) ~~Fourth,~~ upon any appeal to the court from an adverse decision of the commission, the commission shall prepare the record of such hearing and the attorney general shall defend the action taken by the commission.

### **19.0105 Definitions.**

When used in this chapter the words set out in this section shall have the following meaning:

- (a) "Bus" means any commercial vehicle having spaces for 6 or more adult passengers.
- (b) "Cargo vehicle" means any commercial vehicle used to haul goods or cargo for hire.
- (c) "Chief of police" means the chief of police, ASG, or his designee.
- (d) "Commercial carrier" means any person operating any commercial vehicle upon any highway in American Samoa.
- (e) "Commercial driver's permit" means a permit issued by the commerce commission, signed by the chief of police, authorizing the licensee to drive a commercial vehicle and is in addition to a private driver's license.
- (f) "Commercial vehicle" means any automobile, truck, motorbus, or other self-propelled vehicle, including any semitrailer or other device used in connection therewith, not operated upon fixed rails or tracks, and used for the transportation of freight or the transportation of passengers for compensation. provided, that Pickups used in the transportation of freight shall not be considered commercial vehicles, unless the pickup transports placardable amounts of hazardous materials, then it will be considered a commercial vehicle.
- (g) "Commission " means the commerce commission, ASG.
- (h) "Person" means any individual, firm, partnership, corporation, combination or other association, as appropriate.
- (i) "Taxi" means any commercial vehicle having spaces for not more than 5 adult passengers.

### **19.0106 Commission quorum-Deciding majority-Chairman.**

Any 3 members at a commission meeting shall constitute a quorum. A majority of such quorum is sufficient to decide any matter before the commission. If the chairman is absent, one of the other members shall act as chairman.

### **19.0107 Violation-Penalty.**

(a) All violations of this chapter shall be punished in accordance with 19.0136 ASCA: "19.0136 Misdemeanors. Any owner, officer, agent or employee of any commercial carrier, and every other person who does any of the following is guilty of a class B misdemeanor:

- (1) violates or fails to comply with, or who procures, aids or abets in the violation of, any provision of this title or Title 22 relating to commercial vehicles;
- (2) fails to obey, observe or comply with any order, decision, rule, direction, demand or requirement or any part or provision thereof, of the commission;
- (3) procures, aids or abets any corporation or person in his failure to obey, observe or comply with any such order, decision, rule, direction, demand or regulation or any part or provision thereof."

(b) In addition to the penalties set forth in subsection (a) of this section, failure to obey any of the rules of the commission may result in the suspension, modification, or revocation of any license or certificate issued by the commission or subject to the authority of the commission.

## **II. Commercial Drivers' Permits**

### **19.0110 Commercial permit and private license required.**

No person shall operate a commercial vehicle for hire upon a highway without having first secured, and having in his immediate possession, a valid commercial driver's permit. In addition, such driver must also have in his immediate possession a valid private driver's license.

#### **19.0111 Application - Consideration.**

All applications for a commercial driver's permit shall be filed with the chief of police and he shall determine the fitness of each applicant in accordance with the qualifications, requirements and procedures set forth in this article, and shall approve or disapprove each applicant in accordance with this article.

#### **19.0112 Qualifications.**

Each applicant for a commercial driver's license must be qualified as follows:

- (a) The applicant must be qualified to hold, and actually have, a private driver's license issued by the police department, ASG.
- (b) Each applicant must be at least 21 years old and must have had 2 years' driving experience pursuant to a valid private driver's license.
- (c) Each applicant shall be required to pass a written test prepared by the police department and be tested as to driving ability by a member of the police department designated by the chief of police.
- (d) The applicant must be a permanent resident of American Samoa or have lived in American Samoa for 1 year next preceding application for a commercial driver's permit.
- (e) The applicant shall not have been convicted of:
  - (1) a homicide involving a motor vehicle or of causing death or bodily injury while driving while intoxicated (22.0708 ASCA) at any time within 3 years next preceding application.
  - (2) three or more convictions of speeding, 2 or more convictions of reckless driving (22.0702 ASCA) or driving while intoxicated (22.0707 ASCA) or a combination thereof at any time within 5 years next preceding application.
  - (3) any other felony or 3 or more traffic misdemeanors at any time within 3 years next preceding application; provided, however, that in cases falling under this paragraph the commissioner of public safety and/or the chief of police may make exceptions on reasonable grounds.For purpose of subsection (e) a plea of guilty or a forfeiture of collateral shall be deemed a conviction.
- (f) In the event the applicant has resided other than in American Samoa within the 5- year period prior to his application, such applicant shall supply the commission with a certified copy of his criminal and driving record of the place or places in which he resided.
- (g) No commercial driver's permit shall be issued or renewed unless the applicant has taken and satisfactorily completed the defensive driving course conducted by the office of driver education within the immediately preceding 4 years. In addition, the commission may require a permittee who has been convicted of any offense listed in subsection (e) of this section or whose commercial driver's permit has been suspended to take and satisfactorily complete this course, or an applicant whose commercial driver's permit has been revoked to take and satisfactorily complete this course, before he is again issued a permit.
- (h) Should the chief of police or the commission have reason to believe that an applicant for, or a holder of, a commercial driver's permit has medical disabilities which may render the operation of a commercial vehicle by such person unsafe, the chief of police, commissioner of public safety or commission may require such person to undergo medical examinations to ascertain the

extent, if any, of such disability. Upon receipt of the results of such medical examinations, the commission may condition the operation of the commercial vehicle upon such conditions as it believes necessary.

**19.0113 Exceptions to qualifications.**

The chief of police, upon reasonable grounds, may make exceptions to the requirements of 19.0112 (d), (e), and (g) of this chapter.

**19.0114 Expiration-Renewal.**

Each commercial driver's permit issued shall automatically end on 31 Dec of the year issued. Renewal application shall be made by the applicant on or before such date. The chief of police shall then cause a search of such applicant's driving and criminal record to be made and may require other information.

**19.0115 Denial.**

Failure of the applicant to successfully meet all the requirements of ASCA 19.0203 shall be grounds for denial of a commercial driver's permit. Upon such denial, the chief of police shall advise the applicant, in writing, of the specific reasons for such denial.

**19.0116 Appeal of denial.**

Denial by the chief of police or the commissioner of public safety of an application for a commercial driver's permit may be appealed to the commission within 10 days of notice of such denial. The aggrieved applicant shall state the reasons for such appeal on a form provided by the commission and, upon receipt of such appeal, the commission shall provide the applicant with a hearing within a reasonable time. Such hearing shall provide the appealing party with an opportunity to show cause why a commercial permit should be issued to him. The commission may, upon reasonable grounds and subject to reasonable conditions, then award a commercial driver's permit or affirm the decision of the chief of police. The decision of the commission shall be in writing, made within a reasonable length of time from date of hearing, and sent by mail to applicant's address.

**19.0117 Appeal hearing procedure.**

Procedure for the hearing provided for in 19.0116 of this chapter shall be substantially as follows:

(a) The chairman or acting chairman shall preside and shall state for the benefit of the members and the appealing party and his representative, attorney or witnesses:

- (1) the name of the party;
- (2) that this is an appeal from denial to issue a commercial driver's permit;
- (3) the reasons for such denial.

(b) The appellant shall then present his case. He should be ready to show affirmatively that he is eligible for a commercial driver's permit. He may also show mitigating factors for any citations received (although the commission shall not retry each citation and a conviction of a misdemeanor or crime shall be conclusive), and any other reasons to show that a license should be issued, including character references.

**III. Certificate of Convenience and Necessity**

**19.0120 Required to operate commercial vehicle.**

No person shall operate a commercial vehicle upon any highway in American Samoa without first having obtained from the commission a certificate of convenience and necessity.

**19.0121 Procedure.**

Procedures to determine if a service proposed to be rendered will promote the public convenience and necessity shall be as follows:

- (a) Applications, posting and service of notice shall be in accordance with 19.0116, 19.0117, and 19.0125 ASCA, as now in force or as hereinafter amended.
- (b) Objections shall be filed within 10 days after posting pursuant to 19.0118 ASCA, as now in force or as hereinafter amended.
- (c) All hearings shall be conducted in accordance with 4.1025 through 4.1034, and 19.0125, 19.0126, and 19.0127 ASCA, as now in force or as hereinafter amended.
- (d) All appeals and judicial review shall be processed pursuant to 19.0129, 19.0130, and 19.0131 ASCA, as now in force or as hereinafter amended.

**19.0122 Franchises.**

The commission may award a franchise to a holder of a certificate of convenience and necessity if such franchise would, in the judgment of the Commission, have a material effect in the providing of commercial transportation with American Samoa. Such franchise shall be issued in conformance with the procedure as set out in 19.0121 of this chapter.

**19.0123 Termination - Renewal.**

Each certificate of convenience and necessity shall automatically terminate on 31 December of the year issued. Renewal applications shall be made by the applicant upon forms provided by the commission and the applicant shall supply all required information.

**IV. Revocation, Suspension, or Modification Proceedings****19.0125 Notice of intended action-Summary suspension.**

The revocation, suspension, or modification of a commercial driver's permit or certificate of convenience and necessity shall be effected in accordance with 4.1036 ASCA, which provides for the giving of reasonable notice of facts or conduct which warrant the intended action and an opportunity to show compliance with all requirements for the retention of the license. However, should the commission find that the public health, safety, or welfare require emergency action and incorporates such finding in its order, the commission may order a summary suspension of the commercial driver's permit for a period not to exceed 120 days, pending revocation proceedings or other action.

**19.0126 Hearings.**

All hearings to revoke, suspend, or modify commercial driver's permits or certificates of convenience and necessity shall be conducted in accordance with 4.1025 through 4.1029 ASCA, which provide as follows:

(a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.

(b) The notice shall include a statement of the time, place and nature of the hearing and a short and plain statement of the matters asserted.

(c) All parties shall be afforded the opportunity to respond and present evidence and argument on all issues involved, and to conduct such cross-examination as is necessary for a full and true disclosure of the facts.

(d) Strict rules of evidence need not be followed, but the receipt of evidence shall be guided by the rules of evidence applicable in the trial division of the High Court of American Samoa.

(e) Agencies shall give effect to the rules of privilege recognized by law.

(f) Official notice may be taken of judicially cognizable facts.

#### **19.0127 Decision or order-Findings of fact.**

The decision or order of the commission in cases to revoke, suspend, or modify a commercial driver's permit or certificate of convenience and necessity shall be in accordance with 4.1030 and 4.1031 ASCA, as follows:

(a) A final decision or order adverse to a party in a contested case shall be in writing and stated in the record. A final decision shall include findings of fact and conclusions of law. If findings of fact are set forth in a statutory language, they shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

(b) Findings of fact shall be based exclusively on the evidence and on matters officially noticed. An agency's experience, technical competence, and specialized knowledge may be used in the evaluation and interpretation of the evidence.

(c) All parties shall be notified either personally or by mail of any decision or order and shall, upon request, be furnished with a copy of the same.

#### **19.0128 Record of hearing.**

The record of all hearings for revocation, suspension or modification of commercial driver's permits or certificates of convenience and necessity shall be in accordance with 4.1032 ASCA, as follows: In a contested case, the record shall include:

(1) all pleadings, motions, proposed findings, exceptions, objections, briefs, and memoranda filed by the parties;

(2) a summary of the evidence received or considered and of matters officially noticed at any stage of the agency proceedings;

(3) any intermediate rulings and any decision, opinion, or report by the officer presiding at the hearings;

(4) the final decision or order of the agency;

(5) any other relevant material ordered into the record by the agency or its hearing officer.

#### **19.0129 Judicial review.**

Judicial review of actions by the commission to revoke, suspend or modify commercial driver's permits or certificates of convenience and necessity, shall be in conformance with relevant subsections of 4.1040 through 4.1044 ASCA, which provide as follows:



(a) A person who has exhausted all administrative remedies available within an agency and who is aggrieved by a final decision in a contested case shall be entitled to judicial review under 4.1040 through 4.1044 ASCA.

(b) Section 4.1040 does not limit the utilization of, or the scope of judicial review available under other means of review, redress, relief, or trial de novo provided by law, and judicial review may not be sought under 4.1040 through 4.1044 ASCA of any proceedings for which, or by any person for whom, the law specifically provides other adequate means of judicial review.

(c) A preliminary, procedural, or intermediate agency action or ruling shall be immediately reviewable only if review of the final agency decision would not provide an adequate remedy.

(d) Proceedings for review may be instituted by filing a petition in the appellate division of the High Court of American Samoa within 30 days after the issuance of the decision to be reviewed, or if rehearing or reconsideration is requested, within 30 days after the decision thereon. Copies of the decision shall be served upon the agency and all parties of record.

(e) The filing of a petition under 4.1041 ASCA shall not stay enforcement of the agency's decision. The agency may grant, or the court may order, a stay on appropriate terms.

(f) Within 30 days after service of the petition, or within further time allowed by the court, the agency shall transmit to the court the original or a certified copy of the record of the proceeding under review.

(g) The review shall be confined to the record. Upon request by any party, the court shall receive briefs and hear oral argument. On motion of any party, the court may, in its discretion, receive any evidence necessary to supplement the record.

(h) The court may not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. In reviewing the agency's interpretation of the evidence, its factual inferences, and its conclusions of law, the court shall give appropriate weight to the agency's experience, technical competence, and specialized knowledge.

(i) The court may reverse or modify the decision of the agency, or may remand the case for further proceedings, if substantial rights of the petitioner have been prejudiced because the decision of the agency is:

- (1) in violation of applicable constitutional or statutory provisions;
- (2) in excess of the statutory authority of the agency;
- (3) made upon unlawful procedure;
- (4) affected by other error of law;
- (5) clearly erroneous in view of the reliable, probative, and substantial evidence in the whole record;
- (6) arbitrary, capricious, or characterized by abuse of discretion.

### **19.0130 Other remedies.**

Nothing in this article shall be construed to limit the commission to actions to revoke, suspend or modify commercial driver's permits or certificates of convenience and necessity when other judicial remedies are available, nor shall proceeding under this article be exclusive of any criminal prosecution provided for in the laws of American Samoa.

## **V. License Plates**

**19.0135 Plates required.**

No commercial vehicle shall be operated upon any highway in American Samoa without having attached to the front and rear thereof a distinctive marking in the form of a license plate.

**19.0136 Vehicle classes.**

There shall be a distinctive and separate numbering system for each class of vehicles designated as "bus", "taxi", or "cargo vehicle". Such plates may have other markings which may designate a registration number year, the legend, "Territory of American Samoa", as well as any other legend.

**19.0137 Preparation and distribution duty.**

The department of administrative services is designated to prepare such license plates and attend to their distribution with approval of the commission.

**VI. Fees****19.0140 Application for Certificate of Convenience – Fee**

(a) In addition to the application and renewal requirements under ASAC 19.0123 and ASCA 19.0116, the application fee to apply for and renew a Certificate of Convenience shall be twenty dollars and shall be paid at the time the application or renewal application is submitted. Failure to submit the application fee shall result in a rejection of the application or renewal.

(b) The revenue generated by the application fee shall be deposited into a separate account and shall be used for the administration of this chapter.

**19.0141 Collection responsibility.**

The department of administrative services is designated as the representative of the commission to collect fees for the issuance of any license plates or driver's licenses issued pursuant to this chapter and to collect such other expenses as provided for under 19.0128 (a) and (b) ASCA and as may be reasonably levied by the commission.

**~~VII~~ VII. Operation, Inspection, and Equipment****~~19.0150 Side loading of buses-Rear door use.~~**

~~—All buses shall have an entrance exit on the right side of such vehicle to be used for passenger entrance and exit. Any rear doors in such commercial vehicle shall be used only for emergency exits.~~

**~~19.0151 Loading and unloading Stations.~~**

~~—As loading stations are established, all commercial vehicles shall pick up or discharge passengers only in such specified zones or other areas. At all times commercial vehicles shall be completely off the road when picking up or discharging passengers.~~

**~~19.0152~~ Inspection-Procedure-Safety sticker -Equipment required.**

The following procedure will be followed in inspecting all commercial vehicles:

(a) Denial of Safety Sticker. Failure to pass any of the following must result in the denial of a safety certificate:

(1) In-station inspection on jacks:

(A) Remove 1 rear wheel and 1 front wheel to check brake lining wear. Linings must be at least 3/32 of an inch. In the case of brakes which are in compliance but still marginal, a notation should be made on the inspection form.

(B) Test brake pedal to check if proper clearance between the pedal and floor is maintained after 1 stroke.

(C) Front end: inspect steering mechanism to ensure that all connections are tight. There should be no play in the front end. The steering wheel must activate the front wheels with no more than 1/4 turn.

(D) Hand brake must lock at least 2 wheels.

(2) Offjacks:

(A) Headlights must conform to specifications.

(B) Stoplights and taillight must conform to specifications. For defects in lens see paragraph (b) (5).

(b) Temporary Sticker. The following violations will result in only a 30-day temporary sticker being issued :

(1) Windshield must be of clear safety glass.

(2) Tires must have more than twenty-five percent of original tread.

(3) Windshield wiper must be self-operating and operable.

(4) Speedometer must be operable.

(5) Light lenses must be of the color required by the ASCA.

(6) Muffler should not be excessively noisy.

(7) Clearance lights must be shown, and of the proper color, on all vehicles over 18 feet.

(8) Horn must be operable. ~~Note:~~ Vehicles with violations under this subsection will be issued stickers good only for 30 days. At the end of such time the vehicle's registration will be revoked automatically, ipso facto, if the violation has not been corrected, or if the owner cannot show proof of an order placed with a supplier which has not yet been delivered.

(c) Taxi General Inspection. With taxis, a general inspection should be made to insure:

(1) the floors and sides are solid;

(2) all doors operate and lock securely;

(3) all windows have glass which rolls up and down easily;

(4) the car is in generally good condition, is clean, and is presentable for use.

(d) Bus General Inspection. With buses, a general inspection should be made to see that the body is securely connected to the chassis.

(e) Road Test.

(1) Check that the vehicle has no excessive play in the front end.

(2) Shock absorbers should be of reasonable quality.

(3) Brakes should be applied in a quick stop without pull or jerk to either side.

(4) There should be no excessive noise or rattles.

(f) Bus Equipment.

(1) On and after 1 Sep 80, each previously registered and licensed bus shall be equipped with a safety glass windshield. On and after 1 Jul 80, each previously unregistered and unlicensed bus shall be equipped with a safety glass windshield.

(2) On and after 1 Sep 80, each previously registered and licensed bus shall be equipped with a rear lowboy bumper. On and after 1 Jul 80, each previously unregistered and unlicensed bus shall be equipped with a rear lowboy bumper.

(g) Inspector-specified Points. The safety inspector appointed by the commissioner of public safety may specify other inspection points and may deny a safety sticker for such points. In the event the inspector does so, he shall state the reasons therefor on the inspection denial sheet.

#### **19.0151 Restrictions on small buses.**

(a) Buses weighing less than three quarters (3/4) of a ton shall not operate commercially, except in the area spanning from the canneries in Atu'u to the LBJ Hospital in Fagatogo.

(b) For purposes of this section the bus weight shall be calculated based on the original manufacturer's weight and towing capacity of the vehicle before modification.

(c) Persons failing to comply with the provisions of this section shall be guilty of a class B misdemeanor and upon conviction shall be sentenced accordingly.

#### **19.01523 Inspection-When.**

All commercial vehicles shall be inspected at the time of original registration and licensing, each renewal registration and licensing, and during the sixth month between each registration and licensing. In addition, the commission may cause any commercial vehicle to be inspected at any time in the interest of public safety.

#### **19.0154 Passenger capacity.**

~~Each aiga bus may carry a maximum number of people determined by 1 passenger per 18 inches of seating area. This rule is subject, however, to a determination of the safety inspector of the commission as to whether the aiga bus is overloaded with that number of people on board. Such determination shall be made considering the type of vehicle, the length of the passenger-carrying compartment, the length such passenger-carrying compartment protrudes behind the rear wheels, the manner such compartment is attached to the chassis, the strength of shock absorbers and springs, and such other consideration deemed relevant by the inspector.~~

#### **19.01535 Reinspection after accident or damage.**

Each commercial vehicle shall be reinspected by the commission subsequent to being involved in a traffic accident or being damaged in any way.

#### **19.0156 Eating and Drinking Prohibited.**

(a) ~~Prohibition. Commercial carriers shall not permit anyone to consume food or beverages while traveling in buses and taxis.~~

(b) ~~Sign Required. Each commercial carrier operating a bus or taxi shall conspicuously post a sign in each vehicle notifying passengers that eating and drinking is prohibited, which shall contain the following minimum language: "By Order of the Commerce Commission, no eating or drinking is allowed inside this vehicle."~~

(c) ~~Containers. Each commercial carrier operating a bus shall provide a litter disposal container for public use in each vehicle.~~

#### **19.0154 Tint on commercial vehicles prohibited.**

- (a) No person may operate a commercial vehicle on the road or highway if any of the windows or windshield of the commercial vehicle contain any sunscreening material that reduces light transmittance to any degree, including but not limited to, tint, window applications, reflective film, non-reflective film, or glazing.
- (b) The application by the manufacturer at the time of manufacture of the commercial vehicle of a minor tinting or suncreening on the visor portion of the windshield or the rear windows shall not be considered a prohibited suncreening material.
- (c) Failure to comply with this section shall be grounds for revocation or suspension of a commercial driver's permit or certificate of convenience.

### **VIII. Commercial Passenger Vehicles – Generally**

#### **19.016056 Eating and Drinking Prohibited.**

- (a) Prohibition. Commercial carriers shall not permit anyone to consume food or beverages while traveling in buses and taxis.
- (b) Sign Required. Each commercial carrier operating a bus or taxi shall conspicuously post a sign in each vehicle notifying passengers that eating and drinking is prohibited, which shall contain the following minimum language: "By Order of the Commerce Commission, no eating or drinking is allowed inside this vehicle."
- (c) Containers. Each commercial carrier operating a bus shall provide a litter disposal container for public use in each vehicle.

#### **19.0161 Photo identification of driver on display.**

Each operator of a commercial passenger vehicle must display his or her valid, government issued photo identification in a common area that is readily viewable to the passengers. A photocopy of the identification shall be sufficient to comply with this section.

#### **19.0162 Smoking prohibited.**

- (a) Pursuant to ASCA 13.1303, it is prohibited to smoke in a passenger commercial vehicle, whether taxi or bus.
- (b) The operator of the commercial vehicle shall have the duty to make every reasonable effort to prohibit smoking in the vehicle, including by posting conspicuous signs prohibiting smoking.
- (c) Failure to comply with this section, or with ASCA 13.1301 et seq. shall be grounds for revocation or suspension of a commercial driver's permit or certificate of convenience.

#### **19.016345 Rates - Exceeding provisions prohibited.**

No person, either the driver of a taxicab or bus operator of a commercial passenger vehicle, or other person collecting fares, shall charge or collect a fee or rate more than that set forth in 19.0147 and 19.0148 this chapter.

#### **19.016446 Rates - Posting.**

A copy of the rates set forth in 19.0147 and 19.0148 this chapter shall be posted in a conspicuous place in every taxi and bus commercial passenger vehicle such that they may be

seen by the passengers. The operator of the commercial passenger vehicle must provide the rate schedule upon request of a passenger.

## **VII IX. Bus and Taxi Rates and Rules**

### **19.0145 Rates -- Exceeding provisions prohibited.**

~~\_\_\_\_\_ No person, either the driver of a taxicab or bus or other person collecting fares, shall charge or collect a fee or rate more than that set forth in 19.0147 and 19.0148.~~

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### **19.0146 Rates -- Posting.**

~~\_\_\_\_\_ A copy of the rates set forth in 19.0 147 and 19.0 148 shall be posted in a conspicuous place in every taxi and bus such that they may be seen by the passengers.~~

### **19.017047 Taxis Rates.**

(a) The following are the maximum permissible rates per trip regardless of the number of passengers carried:

<b>Village/Area</b>	<b>One Way Fare West From Market Place (Fagatogo)</b>
Fagatogo .....	\$2.00
Sadie's by the Sea .....	2.00
Utulei .....	2.00
Old Tramway .....	2.00
Faga'alu .....	3.50
Fatumafuti.....	3.75
Matu'u .....	4.25
Vasa'aiga .....	4.50
Faganeanea .....	5.00
Nuu'uli Main Village .....	5.75
Nuu'uli Coconut Point.....	6.50
Laufou Shopping Center.....	7.00
Nuu'uli Manulele School .....	8.00
Tafuna Government Housing .....	8.00
Airport Terminal .....	9.50
Kokoland Tafuna.....	12.00
Tradewinds Hotel.....	9.00

Fatu-O-Aiga .....	10.00
Malaeimi (Baptist Church) .....	8.25
Malaeimi (College Campus).....	8.75
Falenu .....	9.50
Mapusagafou.....	11.25
Aoloau .....	14.00
Pava'iai .....	10.25
Iiili (Asuemu).....	10.50
Iiili Village.....	12.50
Iiili Golf Course .....	11.50
Futiga.....	11.25
Maliu Mai Beach Resort.....	11.00
Turtle & Shark Lodge, Vaitogi .....	13.25
Puapua Malaeloa T/OFF.....	11.75
Malaeloa Village .....	12.50
Midkiff Intersection .....	12.50
Leone .....	14.00
Taputimu G/Farm.....	13.00
Vailoatai .....	14.00
Amaluia .....	14.25
Afao .....	14.75
Nua & Seetaga .....	15.50
Amanave.....	17.75
Poloa.....	22.75
Fagali'i.....	27.25
Maloata .....	30.50
Fagamalo .....	35.50

<b>Village/Area</b>	<b>One Way Fare East From Market Place (Fagatogo)</b>
Asco Motors Toyota.....	\$2.00
Evalani's .....	2.00
Pago Plaza.....	2.00
Pago FIFA Soccer Field .....	3.00

Vaipito .....	4.00
Fagasa .....	8.75
Satala – Southwest Marine Boat Haul Out .....	3.00
Atu’u – Canneries .....	3.50
Leoaloa incl Lepua .....	4.25
Aua .....	5.00
Onesosopo Park .....	5.75
Laulii Fou/Laulii Tuai .....	6.75
Aumi .....	7.50
Tisa’s Barefoot Bar .....	8.25
Two Dollar Beach – Avaio .....	10.00
Auto .....	9.00
Amaua .....	9.00
Fagaitua .....	10.25
Masefau .....	15.50
Masausi .....	15.50
Pagai .....	11.00
Alofau .....	11.75
Amouli .....	14.00
Aoa .....	18.50
Auasi .....	19.00
Utumea .....	19.50
Alao .....	19.75
Tula .....	20.00
Vatia .....	25.50
Afono .....	25.50
Onenoa .....	25.50

<b>Village/Area</b>	<b>One Way Fare West of Pago Pago International Airport</b>
Tradewinds Hotel .....	3.00



Fatu-O-	
Aiga.....	2.50
Seventh Day Adventist Ili'ili .....	2.50
Kokoland Tafuna.....	5.50
Malaeimi Baptist Church.....	2.75
Community College .....	3.00
Mesepa.....	4.50
Falenu .....	4.25
Mapusagafou.....	5.75
Aoloau .....	10.00
Pavai'ia'i.....	5.00
Iiili (Asuemu).....	5.25
Iiili Village.....	5.50
Iiili Golf Course .....	5.50
Futiga.....	5.75
Maliu Mai Beach Resort.....	5.00
Turtle & Shark Lodge, Vaitogi.....	8.00
Puapua Malaelo T/OFF.....	6.50
Midkiff – Leone .....	7.50
Taputimu.....	7.50
Vailoatai .....	8.25
Amaluia .....	8.75
Asili .....	8.75
Afao.....	9.50
Nua & Seetaga .....	10.25
Amanave.....	12.50
Pola.....	15.50
Fagali'i.....	20.00
Fagamalo .....	24.50

<b>Village/Area</b>	<b>One Way Fare East of Pago Pago International Airport</b>
Tafuna Government Housing .....	3.00
Laufou Shopping Center.....	3.00

Nu'uuli Main Village .....	4.25
Nu'uu'i Village Coconut Point .....	5.00
Avau .....	5.00
Faganeanea .....	5.00
Matu'u .....	5.75
Fatumafti.....	6.00
Faga'alu .....	6.50
Utulei .....	8.00
Sadie's by the Sea .....	8.00
Fagatogo .....	9.50

- (b) Charter: \$15.00 per hour; waiting: \$3.75 for 15 minutes; minimum charge: \$1.
- (c) Luggage
- (1) Each passenger is allowed two pieces of luggage free at no charge, brief cases and had carry items are free of charge.
- (2) \$1 for each piece of excess luggage above the allowance set out above.
- (d) Passengers should make sure change is available before commencing trip.
- (e) Any overcharges or irregularities should be immediately reported with all details to the police department at 633-1111, or Commerce Commission at 633-5155 a complaint may be filed with the Commission or Consumer Protection at A.G.'s office.

**19.0171 Company markings and roof sign.**

- (a) Each taxi shall contain identifying markings identifying the vehicle as a taxi. The markings shall meet the minimum physical standards of this section:
  - (1) The markings shall appear on both sides of the taxi;
  - (2) The letters shall contrast sharply in color with the background on which they are placed;
  - (3) The information shall be readily legible during daylight hours from a distance of 50 feet while the taxi is stationary; and
  - (4) The markings must be maintained in a manner that retains the legibility.
- (b) The markings maybe be painted directly on the taxi, or may consist of a removable device, such as a decal or sticker, so long as the requirements of section (a) are maintained.
- (c) The markings shall contain at a minimum the following information:
  - (1) The legal or trade name of the taxi, as identified on the certificate of convenience;
  - (2) The vehicle identification number;
  - (3) The physical address of the business; and
  - (4) The phone number of the business.
- (d) The markings may include the company logo, but shall not include advertising for other companies or products.
- (e) Each taxi shall bear a roof sign which shall distinguish the taxi as a commercial vehicle and shall indicate whether the taxi is available for fare.

(f) Failure to adhere to this section shall be grounds for revocation or suspension of a commercial driver's permit or a certificate of convenience.

## **X. Bus Rates and Rules**

### **19.018048 Buses Rates.**

(a) The following one-way rates shall be charged by commercial buses as maximum rates:

Route	Fare
(1) Congestion Area. From the Marist Fathers' Rectory in Atu'u to the end of Faga'alu village.....	\$ 1.00
(2) Western District. From Fagatogo (market place) to:	
(A) Airport intersection .....	1.25
(B) Airport, areas on west side of airport intersection up to Leone-Auma including Ili'ili, Vaitogi, Mapusagafou, Taputimu, Vailoatai, and Malaeloa.....	1.50
(C) Areas on west side of Leone-Auma to Amanave including Aoloau and Aasu ..	1.75
(D) Areas beyond Amanave including Poloa, Fagali'i, and Fagamalo .....	2.00
(3) Eastern District. From Fagatogo (market place) to:	
(A) Laili'ituai.....	1.25
(B) Areas on east side of Laili'ituai to Amouli .....	1.50
(C) Fagasa.....	1.50
(D) Areas on east side of Amouli to Tula.....	1.75
(E) Onenoa, Aoa, Masefau, Masausi, and Sa'ilele .....	2.00
(F) Afono .....	2.00
(G) Vatia.....	2.25

(b) Charter Fares: The rate for charter buses is computed as follows: Bus capacity x subsection (a) rate for any set destination. Example: From marketplace to airport using 20-seat bus = (20) x \$1.50 = \$30 one way, round trip \$60. This method offsets any charge for waiting hours and allows the bus to wait as long as 4 hours at no extra cost.

(c) The following applies to all bus owners and operators:

(1) That there is a minimum fare of \$0.50 for intra-village and inter-village travel in areas not distinctly covered in subsection (a) of this section;

(2) That a fare of \$0.50 be charged for any ride between any two adjacent points stated in subsection (a) of this section. If riding between more than 2 set points, the fare must be consistently and reasonably adjusted to avoid any unreasonable overcharge;

(3) That no restriction is posed against undercharging of passengers by any operator. However, it advises strongly against overcharging and asks that operators observe the maximum rates outlined in this section;

(4) That every bus owner holding valid business license for commercial transportation in American Samoa must submit a quarterly financial statement after each quarter to the Commission chairman for filing, indicating business income and expenditures.

### **19.018149 College student bus rates.**

The provisions of 19.01480180 ASAC to the contrary notwithstanding, the maximum one-way rate that may be charged by commercial buses for full-time students enrolled at the American Samoa Community College is \$0.50 subject to the following conditions:

(1) The student must present to the bus operator on each ride a valid full-time student identification card issued by the college.

(2) The student must be traveling either from home to the college or from the college to home.

(3) The regular maximum bus rates apply on weekends and college holidays.

**19.018250 Side loading of buses -Rear door use and emergency exits.**

(a) All buses shall have an entrance exit on the right side of such vehicle to be used for passenger entrance and exit. ~~Any rear doors in such commercial vehicle shall be used only for emergency exits.~~

(b) All buses shall have a rear door to be used as an emergency exit only. Emergency exit doors shall be easy to open in an emergency. Emergency exits shall be certified for safety and adherence to this chapter by the chief of police.

**19.0183 Loading and unloading-Stations.**

As loading stations are established, all commercial vehicles shall pick up or discharge passengers only in such specified zones or other areas. At all times commercial vehicles shall be completely off the road when picking up or discharging passengers.

**19.0184 Passenger capacity.**

Each aiga bus may carry a maximum number of people determined by 1 passenger per 18 inches of seating area. This rule is subject, however, to a determination of the safety inspector of the commission as to whether the aiga bus is overloaded with that number of people on board. Such determination shall be made considering the type of vehicle, the length of the passenger-carrying compartment, the length such passenger-carrying compartment protrudes behind the rear wheels, the manner such compartment is attached to the chassis, the strength of shock absorbers and springs, and such other consideration deemed relevant by the inspector.

**~~VIII X. Operation, Inspection, and Equipment~~**

**19.0150 Side loading of buses-Rear door use.**

~~— All buses shall have an entrance exit on the right side of such vehicle to be used for passenger entrance and exit. Any rear doors in such commercial vehicle shall be used only for emergency exits.~~

**19.0151 Loading and unloading-Stations.**

~~— As loading stations are established, all commercial vehicles shall pick up or discharge passengers only in such specified zones or other areas. At all times commercial vehicles shall be completely off the road when picking up or discharging passengers.~~

**19.0152 Inspection-Procedure-Safety sticker-Equipment required.**

~~———— The following procedure will be followed in inspecting all commercial vehicles :-~~

~~———— (a) Denial of Safety Sticker. Failure to pass any of the following must result in the denial of a safety certificate :-~~

~~———— (1) In-station inspection on jacks:~~

~~———— (A) Remove 1 rear wheel and 1 front wheel to check brake lining wear. Linings must be at least 3/32 of an inch. In the case of brakes which are in compliance but still marginal, a notation should be made on the inspection form.~~

~~———— (B) Test brake pedal to check if proper clearance between the pedal and floor is maintained after 1 stroke.~~

~~———— (C) Front end: inspect steering mechanism to ensure that all connections are tight. There should be no play in the front end. The steering wheel must activate the front wheels with no more than 1/4 turn.~~

~~———— (D) Hand brake must lock at least 2 wheels.~~

~~———— (2) Offjacks:~~

~~———— (A) Headlights must conform to specifications.~~

~~———— (B) Stoplights and taillight must conform to specifications. For defects in lens see paragraph (b) (5).~~

~~———— (b) Temporary Sticker. The following violations will result in only a 30-day temporary sticker being issued :-~~

~~———— (1) Windshield must be of clear safety glass.~~

~~———— (2) Tires must have more than twenty-five percent of original tread.~~

~~———— (3) Windshield wiper must be self-operating and operable.~~

~~———— (4) Speedometer must be operable.~~

~~———— (5) Light lenses must be of the color required by the ASCA.~~

~~———— (6) Muffler should not be excessively noisy.~~

~~———— (7) Clearance lights must be shown, and of the proper color, on all vehicles over 18 feet.~~

~~———— (8) Horn must be operable.~~

~~Note: Vehicles with violations under this subsection will be issued stickers good only for 30 days. At the end of such time the vehicle's registration will be revoked automatically, ipso facto, if the violation has not been corrected, or if the owner cannot show proof of an order placed with a supplier which has not yet been delivered.~~

~~———— (c) Taxi General Inspection. With taxis, a general inspection should be made to insure:~~

~~———— (1) the floors and sides are solid;~~

~~———— (2) all doors operate and lock securely;~~

~~———— (3) all windows have glass which rolls up and down easily;~~

~~———— (4) the car is in generally good condition, is clean, and is presentable for use.~~

~~———— (d) Bus General Inspection. With buses, a general inspection should be made to see that the body is securely connected to the chassis.~~

~~———— (e) Road Test.~~

~~———— (1) Check that the vehicle has no excessive play in the front end.~~

~~———— (2) Shock absorbers should be of reasonable quality.~~

~~———— (3) Brakes should be applied in a quick stop without pull or jerk to either side.~~

~~———— (4) There should be no excessive noise or rattles.~~

~~———— (f) Bus Equipment.~~

~~—— (1) On and after 1 Sep 80, each previously registered and licensed bus shall be equipped with a safety glass windshield. On and after 1 Jul 80, each previously unregistered and unlicensed bus shall be equipped with a safety glass windshield.~~

~~—— (2) On and after 1 Sep 80, each previously registered and licensed bus shall be equipped with a rear lowboy bumper. On and after 1 Jul 80, each previously unregistered and unlicensed bus shall be equipped with a rear lowboy bumper.~~

~~—— (g) Inspector specified Points. The safety inspector appointed by the commissioner of public safety may specify other inspection points and may deny a safety sticker for such points. In the event the inspector does so, he shall state the reasons therefor on the inspection denial sheet.~~

#### **~~19.0153 Inspection-When.~~**

~~—— All commercial vehicles shall be inspected at the time of original registration and licensing, each renewal registration and licensing, and during the sixth month between each registration and licensing. In addition, the commission may cause any commercial vehicle to be inspected at any time in the interest of public safety.~~

#### **~~19.0154 Passenger capacity.~~**

~~—— Each aiga bus may carry a maximum number of people determined by 1 passenger per 18 inches of seating area. This rule is subject, however, to a determination of the safety inspector of the commission as to whether the aiga bus is overloaded with that number of people on board. Such determination shall be made considering the type of vehicle, the length of the passenger-carrying compartment, the length such passenger-carrying compartment protrudes behind the rear wheels, the manner such compartment is attached to the chassis, the strength of shock absorbers and springs, and such other consideration deemed relevant by the inspector.~~

#### **~~19.0155 Reinspection after accident or damage.~~**

~~—— Each commercial vehicle shall be reinspected by the commission subsequent to being involved in a traffic accident or being damaged in any way.~~

#### **~~19.0156 Eating and Drinking Prohibited.~~**

~~(a) —— Prohibition. Commercial carriers shall not permit anyone to consume food or beverages while traveling in buses and taxis.~~

~~(b) —— Sign Required. Each commercial carrier operating a bus or taxi shall conspicuously post a sign in each vehicle notifying passengers that eating and drinking is prohibited, which shall contain the following minimum language: "By Order of the Commerce Commission, no eating or drinking is allowed inside this vehicle."~~

~~(c) —— Containers. Each commercial carrier operating a bus shall provide a litter disposal container for public use in each vehicle.~~

## **IXI. Motor Carrier Safety and Hazardous Materials**

### **19.019061 Adoption and applicability of federal regulations.**

The following provisions of the federal motor carrier safety regulations in force and which may hereafter be adopted, where not clearly inapplicable to American Samoa, are adopted and made applicable in American Samoa for the purposes of administering and enforcing the motor carriers safety assistance program in the territory:

- (a) 49 Code of Federal Regulations Parts 390 through 399;
- (b) 49 Code of Federal Regulations Part 107, subparts F and G; and
- (c) 49 Code of Federal Regulations Parts 171 through 173, 177, 178, and 180.

~~force 49 Code of Federal Regulations Parts 390 through 399 and the provisions of the federal hazardous materials regulations in 49 Code of Federal Regulations Parts 171 through 173, 177, and 178 in force and which may hereafter be adopted, where not clearly inapplicable to American Samoa, are adopted and made applicable in American Samoa for the purposes of administering and enforcing the motor carriers safety assistance program in the territory .~~

#### **19.019162 Inspections for hazardous materials.**

(a) In support of the safe transportation and movement of hazardous materials and wastes on the public highways of American Samoa, employees of the American Samoa Government assigned to administer the federal motor carrier safety assistance program in American Samoa are authorized to inspect the premises, equipment and freight, and the shipping papers and other documents related to the transportation of such freight for violations the regulations adopted in ~~19.01610190~~.

(b) Inspections under subsection (a) of this section shall be carried out in the presence of territorial law enforcement personnel.